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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,052	02/13/2006	Atsushi Tanaka	0425-1193PUS1	7388
2292 7590 10/06/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER STANLEY, JANE L				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/539,052

**Applicant(s)**

TANAKA ET AL.

**Examiner**

JANE L. STANLEY

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5 and 7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 5 is/are allowed.  
6) ☒ Claim(s) 1 and 7 is/are rejected.  
7) ☒ Claim(s) 1 and 5 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)  
3) ☐ Information Disclosure Statement(s) (PTO-893)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

**Claims 1, 5 and 7** are pending. **Claims 1, 5 and 7** are currently amended and **claims 2-4 and 6** have been cancelled.

#### ***Claim Objections***

**Claim 1** is objected to because of the following informalities: the limitations of component (b) appear before the limitations of component (a). Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1, 5 and 7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The parenthesis in **claim 1** renders the claim indefinite and must be removed. It is unclear if the text within the parentheses is included in the claim and further limits the subject matter of the claim, or whether it is an aside to the claim and is not further limiting. For the purpose of further examination, it is taken that the text within the parenthesis further limits the claim. This includes **claims 5 and 7** as they depend from **claim 1**. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Langdon et al. (US 4,086,279).

Langdon et al. teaches a composition comprising the product of a polyglycerol containing five to thirty glycerol units (instant component (a)) reacted with a glycidyl ether of a C<sub>6</sub> to C<sub>20</sub> alcohol or a mono-or poly-glycidyl ether derived from a polyoxyalkylene compound prepared from propylene oxide or ethylene oxide (instant component (b)) (col 2 ln 18-27). Langdon et al. further teaches the inclusion of the reaction product in textile-treating formulations, shampoos, cosmetics, heavy-duty detergents and other cleaning products, etc. (col 3 ln 60-63).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Langdon et al. (US 4,086,279) in view of Williams et al. (US 6,165,970).

Langdon et al. teaches the composition set forth in **claim 1** above. Langdon et al. teaches that the reaction product can be used in detergent compositions as nonionic surfactants (col 3 ln 55; abstract).

Langdon et al. does not teach a method of releasing soil from clothes comprising the step of washing said clothes with the crosslinked product. Williams et al. teaches a method of washing laundry comprising treating soiled laundry with a wash solution in a washing machine having dissolved/dispensed therein an effective amount of a detergent composition (col 30 ln 38-42) wherein the composition comprises nonionic surfactants (see col 5 ln 61 to col 7 ln 4), builders (col 15 ln 57), soil release agents (col 19 ln 24) etc. Williams et al. and Langdon et al. are analogous art and are combinable because they are concerned with the same field of endeavor, namely detergent compositions. At the time of the invention a person having ordinary skill in the art would have found it obvious to use in the laundry washing method of Williams et al. the nonionic reaction product of Langdon et al. and would have been motivated to do so to

impart substantial surface-active properties to the composition (Langdon et al. col 4 ln 1-4).

***Allowable Subject Matter***

**Claim 5** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: neither Langdon et al. (US 4,086,279) nor Williams et al. (US 6,165,970) teach or suggest the use of triethanolamine in the reaction product of Langdon et al.

Further regarding the crosslinked product, the closest prior art of Willems et al. (US 3,523,797) teaches light-sensitive silver halide emulsions comprising the cross-linked reaction product between bis-epoxides (col 3 ln 2-8), i.e. 1,2-bis(2,3-epoxypropoxy)-ethane (col 3 ln 3-4), and N-alkyl-dialkanolamines (col 3 ln 13-18) i.e. triethanolamine (col 3 ln 16) (see also Table I, examples 10-11). However, Willems et al. neither teaches nor suggests the inclusion of such a compound in/with a detergent.

***Response to Arguments***

The 35 USC 101/112 rejection of **claim 7** has been withdrawn as a result of Applicant's amendment.

Applicant's arguments, see pages 4-6, filed 17 June 2008, with respect to **claim 5** have been fully considered and are persuasive. The 35 USC 102(b) rejection of **claim 5** has been withdrawn.

Applicant's arguments, see pages 4-6, filed 17 June 2008, with respect to the rejection(s) of **claim(s) 1 and 7** under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Langdon et al. (US 4,086,279) regarding **claim 1**, and Langdon et al. (US 4,086,279) in view of Williams et al. (US 6,165,970) regarding **claim 7**.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE L. STANLEY whose telephone number is (571)270-3870. The examiner can normally be reached on Monday-Thursday, 7:30 am - 5 pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./  
Supervisory Patent Examiner, Art Unit 1796

JLS